

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Yingzhi C. Zhang,)	No. CV 04-1185-PHX-ROS (ECV)
Plaintiff,)	ORDER
vs.)	
Corrections Corporation of America, et al.,)	
Defendants.)	

Defendants United States Marshals Service (USMS) and Sam Cody have filed a Motion to Dismiss or Require Service of Process on U.S. Attorney and Attorney General (Doc. #47). Defendants argue that Plaintiff has failed to comply with Rule 4(i) of the Federal Rules of Civil Procedure in that he has not sent a copy of the complaint and summons to the U.S. Attorney or the Attorney General, despite personally serving Defendant Cody. Plaintiff has filed a Response (Doc. #53) in which he states that he was unaware of the requirements in Rule 4(i). He asks for additional time to comply with the rule. The court will grant Plaintiff an additional 30 days to satisfy the requirements of Rule 4(i).

Given Assistant U.S. Attorney James Hair's appearance in this matter, Plaintiff may satisfy the requirements of Rule 4(i) by sending a copy of the summons and complaint to Mr. Hair and to the United States Attorney General at the U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, D.C. 20530-0001.

1 **IT IS THEREFORE ORDERED:**

2 That Defendants' Motion to Dismiss or Require Service of Process on U.S. Attorney
3 and Attorney General (Doc. #47) is **denied in part and granted in part;**

4 That Defendants' request for dismissal is denied and their request to require service
5 on the U.S. Attorney and Attorney General is granted; and

6 That Plaintiff shall effect service under Rule 4(i) within 30 days in accordance with
7 the instructions set forth above.

8 DATED this 6th day of December, 2005.

9
10
11 

12 Edward C. Voss
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28